IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 22 of 2005(C)

PETITIONER:

DR.K.J.ALICE, RETIRED PROFESSOR,
KERALA AGRICULTURE UNIVERSITY, RESIDING AT
KODUVATH TONALE, B.8, K.U.NAGAR, MOOLAVATTOM,
KOTTAYAM.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
AGRICULTURAL PRODUCTION COMMISSIONER,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CONTROLLER, THE KERALA AGRICULTURE
UNIVERSITY, K.A.U.POST, VELLANIKKARA, TRISSUR.

3. THE REGISTRAR, THE KERALA AGRICULTURE
UNIVERSITY, K.A.U.POST, VELLANIKKARA, TRISSUR.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE PROCEEDINGS NO.GA/C2/32840/02-04 DATED 26.4.2000.

EXT.P2 TRUE COPY OF THE G.O.(MS) NO.198/2000/AD DATED 9.6.2000.

EXT.P3 TRUE COPY OF ORDER DATED 30.10.2001.

EXT.P4 TRUE COPY OF PAY SLIP DATED 27.11.2001.

EXT.P5 TRUE COPY OF LETTER DATED 4.1.2002

EXT.P6 TRUE COPY OF THE ORDER DATED 6.6.2003 ISSUED BY THE HONOURABLE LOKAYUKTHA.

EXT.P7 TRUE COPY OF REPRESENTATION DATED 25.3.2003

EXT.P8 TRUE COPY OF REPRESENTATION DATED 13.10.04.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

ahz/

KURIAN JOSEPH, J.

W.P.(C) NO. 22 OF 2005 C

Dated this the 19th day of February, 2007

JUDGMENT

This Writ Petition is filed with the following prayer:

> "c) Declare that the petitioner is entitled to continue the UGC/ICAR pay scale with effect from 25.4.1989 till the date of retirement i.e. 23.3.2002, and consequential retirement benefits based on UGC/ICAR pay scale."

Petitioner retired from service on 23.2.2003. According to the petitioner, before the Lok Adalath the University had no objection in granting the benefit subject to the approval by the Government. Learned Standing Counsel for the University submits that the Government had not accorded permanent sanction. The University had sought for some clarifications with regard to implementation of the Government Order dated 9.6.2000 and the delay in getting the clarifications was the only reason for non-disbursement of the amount due to the petitioner. Learned counsel for the petitioner submits that pursuant to the directions issued by this Court, the Government had already issued

the required clarifications.

In the above circumstances, this Writ Petition is disposed of directing respondents 2 and 3 to disburse the benefits due to the petitioner, in the light of the clarifications issued by the Government, within a period of one month from the date of production of a copy of this judgment. In case any clarification is to be obtained in the matter, the University will obtain the same within two weeks from the date of receipt of a copy of this judgment. The question of interest is left open. However, it is made clear that in the event of delay beyond the period mentioned above, the petitioner will be entitled to get interest at the rate of 8% from the date of retirement.

(KURIAN JOSEPH)
Judge

ahz/

KURIAN JOSEPH&
K.T.SANKARAN, JJ.

W.P.(C)NO. 22 OF 2005

JUDGMENT

19th February, 2007